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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

10 ***

11 QUIARA CHARLES,

12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; and INSURER
15 ENTITIES I-V, inclusive

16 Defendants.

CASE NO. 2:20-cv-00962-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[THIRD REQUEST]

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18 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
19 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
20 ninety (90) days, up to and including Wednesday, February 16, 2022. In addition, the parties
21 request that the all other future deadlines contemplated by the Discovery Plan and Scheduling
22 Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties
23 state as follows:

- 24 1. On March 20, 2020 Plaintiff filed her Complaint in the Eighth Judicial District
25 Court.
- 26 2. On April 28, 2020, Plaintiff served the Complaint on the Nevada Department of
27 Business and Industry, Division of Insurance.
- 28 3. On May 28, 2020, Defendant filed its Petition for Removal.

- 1 4. On June 4, 2020, Defendant filed its Answer to Complaint.
- 2 5. On June 22, 2020, the parties conducted an initial FRCP 26(f) conference
- 3 6. On July 17, 2020, the Court entered the Stipulated Discovery Order.
- 4 7. On July 20, 2020, Plaintiff served his FRCP 26 Initial Disclosures on Defendant.
- 5 8. On August 17, 2020, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
- 6 9. On August 18, 2020, Defendant served written discovery on Plaintiff.
- 7 10. On September 23, 2020, Plaintiff served written discovery on Defendant.
- 8 11. On October 16, 2020, Plaintiff responded to Defendant's written discovery.
- 9 12. On October 21, 2020, Plaintiff served her First Supplemental Disclosures.
- 10 13. On November 10, 2020, Defendant responded to Plaintiff's written discovery.
- 11 14. On November 10, 2020, Defendant provided Plaintiff with a draft confidentiality
- 12 agreement and protective order for review and approval in advance of Defendant's
- 13 production of confidential claim handling and manuals.
- 14 15. On December 23, 2020, Plaintiff served her Second Supplemental Disclosures.
- 15 16. Throughout March 2021, Defendant served numerous records subpoenas to eleven
- 16 of Plaintiff's treatment providers.
- 17 17. Defendant received responses beginning in late March but has not received all of
- 18 them.
- 19 18. On May 4, 2021, Defendant received a partial response from an out-of-state
- 20 provider (records but no bills) for previously unidentified treatment subsequent to
- 21 the accident.
- 22 19. On June 18, 2021, Defendant served its Second Supplemental Disclosures of all
- 23 medical records and bills received to date.

DISCOVERY REMAINING

- 25 1. The parties will continue participating in written discovery, with an especial focus
- 26 on obtaining the remainder of the treatment records and bills.
- 27 2. Defendant will take the deposition of Plaintiff.
- 28 3. Plaintiff will take the deposition of Defendant's Person Most Knowledgeable.

- 1 4. The parties may take the depositions of any and all other witnesses garnered
2 through discovery.
- 3 5. The parties will designate expert witnesses.

4 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

5 The parties aver, pursuant to LR 26-3, that good cause exists for the following requested
6 extension. This Request for an extension of time is not sought for any improper purpose or other
7 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient
8 time to conduct discovery to develop their respective cases in chief.

9 Specifically, Defendant has encountered significant difficulty in obtaining records and bills
10 from an out-of-state provider, the University of Pittsburgh Medical Center (UPMC). UPMC re-
11 routed Defendant's subpoena to multiple internal departments, required execution of an additional
12 attorney declaration from defense counsel and an additional HIPAA authorization from Plaintiff,
13 and even after complying with these requests, UPMC failed to provide the requisite billing, which
14 was clearly identified in the subpoena. The medical bills and full sets of records as to Plaintiff's
15 treatment while in Pennsylvania (where she has resided since 2016) are crucial for the parties to
16 have admissible evidence for dispositive motions and, potentially, for trial. Further, these records
17 must be obtained in advance of the parties' designation of initial expert witnesses. The incomplete
18 UPMC records identify nine additional treatment providers from which Defendant now seeks
19 records and bills. The parties will require additional time to determine which, if any, shall be
20 deposed. Accordingly, and in short, the parties request an extension of the current discovery
21 deadlines to allow the parties an opportunity to fully understand the nature of Plaintiff's claims
22 and Defendant's defenses thereto.

23 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs
24 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or
25 motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than
26 twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR
27 26-3.

28 This is the third request for extension of time in this matter. The parties respectfully

1 submit that the reasons set forth above constitute compelling reasons for the short extension.

2 The following is a list of the current discovery deadlines and the parties' proposed
3 extended deadlines. No weekend dates are included:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Thursday, November 18, 2021</i>	<i>Wednesday, February 16, 2022</i>
Deadline to Amend Pleadings or Add Parties	<i>Tuesday, June 22, 2021</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Thursday, July 22, 2021</i>	<i>Wednesday, October 20, 2021</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Friday, August 20, 2021</i>	<i>Thursday, November 19, 2021</i>
Dispositive Motions	<i>Monday, December 20, 2021</i>	<i>Monday, March 21, 2022</i>
Joint Pretrial Order	<i>Wednesday, January 19, 2022</i>	<i>Tuesday, April 20, 2022</i>

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1 WHEREFORE, the parties respectfully request that this Court extend the discovery period
2 by ninety (90) days from the current deadline of November 18, 2021 up to and including February
3 16, 2022, and the other dates as outlined in accordance with the table above.

4 DATED this 1st day of July, 2021.

DATED this 1st day of July, 2021.

5 LEWIS BRISBOIS BISGAARD & SMITH

GAZDA & TADAYON

6 /s/ CHERYL A. GRAMES

/s/ LEWIS GAZDA

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11 *STATE FARM MUTUAL AUTOMOBILE*

QUIARA CHARLES

12 *INSURANCE COMPANY*

13
14 **ORDER**

15 **IT IS SO ORDERED:**

16 Dated this 2nd day of July, 2021.

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19 UNITED STATES MAGISTRATE JUDGE
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